

**MINUTES**  
**WOODSTOCK CITY COUNCIL**  
June 21, 2016  
City Council Chambers

The regular meeting of the Woodstock City Council was called to order at 7:00 PM by Mayor Pro Tem Michael Turner on Tuesday, June 21, 2016 in the Council Chambers at City Hall. Mayor Pro Tem Turner welcomed those present and explained the consent calendar process and invited public participation. He stated that this evening will see the momentous occasion of the swearing in of the City's new Police Chief, Deputy Police Chief, and other members of the Police Department. He noted that participating in the ceremonies would be Judge Michael Caldwell who was the City Attorney from 1972 to 1997 and Chairman of the City's Board of Fire and Police Commissioners Ron Giordano.

City Clerk Smiley confirmed that the agenda before the Council is a true and correct copy of the published agenda.

A roll call was taken.

**COUNCIL MEMBERS PRESENT:** Daniel Hart, RB Thompson, Maureen Larson, Mark Saladin, Joseph Starzynski, and Michael Turner

**COUNCIL MEMBERS ABSENT:** Mayor Brian Sager

**STAFF PRESENT:** City Manager Roscoe Stelford, City Attorney Ruth Schlossberg, Finance Director Paul Christensen, Public Works Director Jeff Van Landuyt, Human Resources Director Debbie Schober, Opera House Director John Scharres, Planning and Zoning Department Director Joe Napolitano, Economic Development Director Garrett Anderson, Chief of Police John Lieb, Assistant Public Works Director Tom Migatz, Deputy Chief of Police Jeff Parsons, Sergeant George Kopulus, Detective Jeremy Mortimer, Police Department Office Manager Tamara Reed, Grant Writer Terry Willcockson, Officer Adam Schraw, Officer Adam Fisher, and Officer Paul Farnum.

**OTHERS PRESENT:** Judge Michael Caldwell, Chairman of the Board of Fire and Police Commissioners Ron Giordano, and City Clerk Cindy Smiley

**FLOOR DISCUSSION**

**Swearing-in Ceremonies**

Mayor Pro-Tem Turner provided a brief biography of those to be sworn in.

**Swearing-in of Chief of Police John Lieb**

Judge Caldwell, Chairman Giordano, Chief Lieb and Mrs. Lieb approached the podium upon which Judge Caldwell administered the Oath of Office to Chief Lieb. Mrs. Lieb affixed the Chief's badge. The event was applauded by all present.

**Swearing-in of Deputy Chief of Police Jeffrey Parsons**

Judge Caldwell, Chairman Giordano, Deputy Chief of Police Jeffrey Parsons and Mrs. Parsons approached the podium upon which Judge Caldwell administered the Oath of Office to Deputy

Chief Parsons. Mrs. Parsons affixed the Deputy Chief's Badge. The event was applauded by all present.

Swearing-in of Detective Sergeant Joshua Fourdyce

Judge Caldwell, Chairman Giordano, Detective Sergeant Joshua Fourdyce and Mrs. Fourdyce approached the podium upon which Judge Caldwell administered the Oath of Office to Detective Sergeant Fourdyce. Mrs. Fourdyce affixed the Detective Sergeant's Badge. The event was applauded by all present.

Swearing-in of Sergeant George Kopulus

Chairman Giordano, Sergeant George Kopulus and Mrs. Kopulus approached the podium upon which Chairman Giordano administered the Oath of Office to Sergeant Kopulus. Mrs. Kopulus affixed the Sergeant's Badge. The event was applauded by all present.

Swearing-in of Detective Jeremy Mortimer

Chairman Giordano, Detective Mortimer and Mrs. Mortimer approached the podium upon which Chairman Giordano administered the Oath of Office to Detective Mortimer. Mrs. Mortimer affixed the Detective's Badge. The event was applauded by all present.

Swearing-in of Officer Paul Farnum

Chairman Giordano, Officer Farnum, and Mrs. Farnum approached the podium upon which Chairman Giordano administered the Oath of Office to Officer Farnum. Mrs. Farnum affixed the Officer's Badge. The event was applauded by all present.

Mayor Pro-Tem Turner congratulated all on their new roles. He stated the uniqueness of the community is demonstrated by our police force and the citizens owe them and their families a deep debt of gratitude.

Chief Lieb also thanked the families of the members of the Police Department stating the officers could not do what they do without their families and their mentors. He also thanked the City Council for their never-ending support.

Mayor Pro-Tem Turner invited those present to a reception at Stage Left Café honoring those who were sworn in.

**Public Comment**

There was no public comment forthcoming.

**Council Comments**

RB Thompson complemented the quality of the Department of Public Works' reports.

**CONSENT AGENDA**

Motion by M. Saladin, second by J. Starzynski, to approve the items on the Consent Agenda.

The following items were removed from the Consent Agenda:

- Item E-6 – Old Firehouse Lease with McHenry County Housing Authority by M. Saladin

- Item E-8 – Agreement – Talia Pavia String Academy at the request of Gunnar Gitlin with concurrence of M. Saladin
- Item E-11 – Event - “Let’s Square Dance” Street Party by J. Starzynski
- Item E-12 – Prevailing Wage by M. Larson

Mayor Pro-Tem Turner asked if any members of the Council or members of the Public had any questions on any of the items remaining on the Consent Agenda.

Item E-5 – Purchase – Lighting Retrofit

RB Thompson stated this project was started long ago and has met with many challenges. He noted that even though the end result has ended up more expensive than the original, it will result in significant savings in electrical costs.

Item E-7 – Enterprise Zone Agreement

M. Saladin stated this item is before Council for its consideration as a result of the practical realities of administering the Zone and handling applications, which has resulted in the need for changes to the Intergovernmental Agreement.

Mayor Pro-Tem Turner affirmed the Consent Agenda to include the following items:

**B. MINUTES OF PREVIOUS MEETINGS:**

June 7, 2016 Regular Meeting Minutes

**C. WARRANTS:            3717            3718**

**D. MINUTES AND REPORTS:**

Department of Public Works Monthly Report – May 2016

Parks and Recreation Commission Minutes – May 10, 2016

Environmental Commission Minutes – May 26, 2016

**E. MANAGER'S REPORT NO. 70**

**1. Agreement – Woodstock Fire/Rescue District** – Adoption of an Intergovernmental Agreement between the City of Woodstock and Woodstock Fire/Rescue District for Cadet Code Enforcement, identified as Document No. 1.

**2. Agreement – Fire Inspection Services** – Adoption of an Intergovernmental Agreement between the City of Woodstock and the Woodstock Fire/Rescue District for Fire Inspection Services, identified as Document No. 2.

**3. Award of Contract – Court Resurfacing** – Approval of award of contract for basketball court resurfacing to the lowest responsible bidder, American Sealcoating, for a total bid price not to exceed \$18,700.

**4. Award of Contract – Portable Sign Trailer** – Approval of award of contract for a Portable Sign Trailer to the lowest responsible bidder, Burris Equipment, at the bid price of \$18,241.

**5. Purchase – Lighting Retrofit** - Approval of the purchase of 514 retrofit kits at 6 City facilities from Resource Efficiency Partners for the amount of \$22,933.26.

**7. Enterprise Zone Agreement** - Adoption of Ordinance 16-O-39, identified as Document No. 4, *An Ordinance Amending the Intergovernmental Agreement between the City of Woodstock and the City of Harvard and the County of McHenry Regarding the Harvard/Woodstock Enterprise Zone*, subject to final review, modification and approval by the City Attorney.

**9. Bull Valley Golf Club Road Closure and Fireworks Display Permit** – Approval of the following:

- 1) A Fireworks Display Permit for Bull Valley Golf Club on July 1, 2016;
- 2) A request for temporary road closure of Club Road on July 1, 2016.

**10. Alcohol Exemption – Summer in the Park Band Concert** – Approval of the following:

- 1) A waiver of the prohibition of alcohol in the public way in the Park in the Square on Wednesday, July 13, 2016;
- 2) All approvals to be conditional upon the terms set forth by staff.

A roll call vote was taken to approve Consent Agenda Items B through E-5, E-7, E-9, and E-10. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, and Mayor Pro-Tem Turner. Nays: none. Abstentions: none. Absentees: Mayor Sager. Motion carried.

**Item E-6 – Old Firehouse Lease with McHenry County Housing Authority**

M. Saladin noted that he understands that there are some revisions made to the lease that was originally supplied in the packet and asked for comments from City Manager Stelford.

R. Stelford stated the only material change proposed is in the indemnification language, noting staff is asking for Council approval of the lease as it has been revised and then staff will work with the City's insurance carrier to make sure there is proper protection. If the company feels that the protection is not there, the lease will not be executed and negotiations with the Housing Authority will resume. In response to a question from M. Turner, Mr. Stelford stated the City will be afforded all legal protection needed to insure the City has adequate insurance coverage.

In response to a question from Mayor Pro-Tem Turner, City Attorney Schlossberg stated it is common to focus on this provision and reported on the negotiations to date. She further stated that approval should be contingent upon the approval of the City Manager and the City Attorney.

Motion by M. Saladin, second by RB Thompson, to approve Ordinance 16-O-40, identified as Document No. 3, *An Ordinance Authorizing a Lease Agreement Between the City of Woodstock and McHenry County Housing Authority for the Locker Rooms and Upstairs of the Former Fire Station, Located at 120 W. South Street, Woodstock, Illinois*, revising it on its face to authorize execution of the a revised agreement subject to the final approval of the City Manager and City Attorney.

A roll call vote was taken. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, and Mayor Pro-Tem Turner. Nays: none. Abstentions: none. Absentees: Mayor Sager.

Motion carried.

**Item E-8 – Agreement – Talia Pavia String Academy**

M. Saladin invited Gunnar Gitlin to address the Council.

Mr. Gitlin gave some background on the lease agreement between the City of Woodstock and Woodstock Celebrates, Inc. (WCI) for the use of a small office space in either the Old Courthouse or Woodstock City Hall. He stated it was indicated to WCI that they should work with John Heng of NAAC in finding space on the 2<sup>nd</sup> floor. Mr. Gitlin noted they did not wish to use the back office space due to its uninhabitable condition, and were given the front office space which they have since painted and been using. He stated subsequently the City informed WCI that they moved into the wrong space and should be in the back office.

Mr. Gitlin stated WCI is trying to be supportive of the new Mozart group, known as Woodstock Celebrates Mozart, which is trying to resurrect the Mozart Festival in Woodstock, by agreeing to allow them to use the WCI office space in the Old Courthouse. He noted that the Mozart group has obtained the services of an intern and would like to begin work immediately. Mr. Gitlin asked that the lease not specify the front office space for Ms. Pavia's use.

Mayor Pro-Tem Turner stated he appreciates the activities of WCI and is familiar with the agreement noted by Mr. Gitlin. He stated the City also has a need and a desire to make use of the Old Courthouse with activity and to generate income. He requested comment from City Manager Stelford.

Mr. Stelford stated it is his understanding that this a miscommunication and that John Heng was instructed to clear out the back office space for use by WCI. He stated that staff has been reaching out to Ms. Pavia to see if she would be willing to work out of the back space, noting she had previously occupied the space now occupied by WCI. Mr. Stelford stated he believes the City should comply with the five-year term of the WCI lease but also believes there was a misunderstanding between staff, John Heng, and WCI as to what space was intended for WCI's use.

Mayor Pro-Tem Turner stated it appears that someone will be located in the back room and inquired as to how this space may be prepared in the least amount of time. Mr. Stelford stated the City is already speaking with Mr. Heng to have any items belonging to NAAC removed. He also noted that some of the items located in the back office belong to WCI. Mayor Pro-Tem Turner noted it is the responsibility of the City to make sure the space is habitable.

In response to a question from Council, J. Napolitano stated he has not spoken with Ms. Pavia. He agreed there was a miscommunication and stated staff was under the impression that the back office was being cleared out by NAAC for WCI use. He also stated he has been working with Ms. Pavia for the past year to get her back in the Old Courthouse and expressed his concern with tabling this item to the next meeting, which will not be held for four weeks.

Mayor Pro-Tem Turner stated he is agreeable with staff taking steps to work with Ms. Pavia and WCI to work this out, noting there is an agreement on the table that would lease the space and generate income.

M. Larson agreed and suggested approving the lease agreement contingent upon staff working out an agreement between the parties. She suggested looking to the gallery and urged all parties to come to a creative solution.

Mayor Pro-Tem Turner stated it is difficult to negotiate this tonight, noting the practical side is that the City wishes to support all parties, but there is also a legal side. He stated the agreement with WCI says they can use a space as directed by the City for five years and that Ms. Pavia wants to sign a lease and operate a business in a spot designated by the City. He stated his feeling that the item should be voted on this evening conditional upon staff working things out, noting he does not wish to delay it for four weeks.

In response to comments from RB Thompson that a string academy should have a space with doors, J. Napolitano stated Ms. Pavia is aware of the door situation.

D. Hart expressed his view that we want someone in that space and do not want Ms. Pavia to go elsewhere.

M. Larson stated Ms. Pavia's business is the kind of tenant the City wants in the building and expressed her view that Council should not postpone action until the next meeting and that the back room should be cleaned out as soon as possible.

Discussion followed of the length of time needed to make the back room habitable. City Manager Stelford stated City staff cannot be used to move much of the property out of the back office as it is private property belonging to NAAC or WCI. He stated staff could reach out to those two groups to request that it be done as soon as possible. He then stated the Department of Public Works could work to clean the space and make it habitable which was confirmed by J. Van Landuyt.

Discussion followed of possible wording of the approval to allow for the best possible outcome. City Attorney Schlossberg stated from a legal perspective the wording could authorize the City Manager to negotiate an amicable settlement. She noted that the City Council can delegate authority to the City Manager to negotiate and enter into a lease with a term of up to two years.

Motion by M. Saladin, second by M. Larson, to approve Ordinance 16-O-41, identified as Document No. 5, *An Ordinance Authorizing a Space Usage and Donation Agreement Between the City of Woodstock and Talia Pavia String Academy for the Old Courthouse Art Center at the Old Courthouse Building*, subject to the condition that the City Council delegates authority to the City Manager to seek settlement or accommodations with all parties involved and to amend and execute the documents as necessary.

A roll call vote was taken. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, and Mayor Pro-Tem Turner. Nays: none. Abstentions: none. Absentees: Mayor Sager. Motion carried.

#### **E-11 – Event – “Let’s Square Dance” Street Party**

Councilman Starzynski recused himself and left the Chambers at 8:04 PM.

D. Hart opined that there should be some way of measuring the sound level should the Police

Department receive complaints. He noted, as it now stands, the Police Department has the authority to require the organizer to turn the sound down or even to shut the event down should they receive noise complaints, but there is nothing that tells the organizer what an unacceptable level would be. He stated his feeling that this is not fair to the event organizer as each person's idea of what is too loud is different and that there should be some set requirement.

Discussion followed of various conditions that could affect the noise levels. M. Larson stated the event in question is scheduled to end at 9:30 PM, noting that complaints probably arise later in the evening.

In response to a question from Mayor Pro-Tem Turner, R. Stelford stated the officers are not likely to shut an event down and use their best judgement as to whether the music is really too loud when receiving a complaint. He described some of the complaints that have been received in the past, noting the Police Officers use their discretion when dealing with these complaints. He stated he will reiterate this with the Police Department.

Mayor Pro-Tem Turner noted the City Council and City Administration is trying to make Woodstock a destination, including with outdoor events, which can create noise. He stated his view that the City should be respectful of complaints, but also should view the downtown events to be beneficial to the community. He stated he is supportive of this new event and appreciates the organizer's efforts.

Discussions followed of the layout of the event. In response to a question from M. Larson, J. Van Landuyt stated the stone wall facade project will start the first week of August and the contractor will be requested to start in another area of the Square. Discussions then followed of parking with R. Stelford noting closures will be handled in the same manner as the August car show on the Square.

Motion by M. Larson, second by M. Saladin, to approve the following:

- 1) Approval to hold a music event, "Let's Square Dance," on N. Johnson Street as indicated between the hours of 5:00 PM and 10:00 PM on Saturday, August 13, 2016;
- 2) Waiver of the prohibition of alcohol in the public way for the fenced event area only and during specified event hours for the aforementioned event and date only, with all alcohol consumption in the public way ceasing at 10:00 PM;
- 3) Closure of N. Johnson Street between W. Jackson Street and Cass Street starting at 3:00 PM, Saturday, August 13, 2016 until Midnight on Saturday, August 13, 2016;
- 4) Approval of Ordinance 16-O-42, identified as Document No. 6, *An Ordinance Imposing Certain Temporary Traffic Restrictions and Parking Restrictions in the City of Woodstock for a N. Johnson Street Event*;
- 5) All approvals to be conditional upon the terms set forth by staff.

A roll call vote was taken. Ayes: D. Hart, M. Larson, M. Saladin, RB Thompson, and Mayor Pro-Tem Turner. Nays: none. Abstentions: none. Absentees: J. Starzynski and Mayor Sager. Motion carried.

Councilman Starzynski rejoined the proceedings at 8:18PM.

**Item E-12 – Prevailing Wage**

M. Larson stated she once again wished to express her opposition to this requirement that is placed upon the City by the State of Illinois. She stated there are three reasons she finds this law to be unreasonable:

First, she stated, is the lunacy of the State telling the City Council it must vote on this and vote yes. She noted all should be concerned that the State can mandate the City Council on how to vote.

Second, she stated while she understands the desire to protect a specified level of income for a certain group of people, this is not available in the private sector. She further stated that this has a significant effect on the City, particularly with projects such as the Old Courthouse. She noted if this were handled as it is in the private sector, the City could go out for bid and choose any firm they wish. With Prevailing Wage requirements, the City goes out of bid, but the contractor must pay prevailing wage, which inflates the cost of the project. She stated it is her feeling that the Council must protect the taxpayer.

Third, Councilwoman Larson called attention to the numbers, noting the national median wage for a painter is \$17.59 and the 90<sup>th</sup> percentile is \$30.37 per hour while the Prevailing Wage forces the City to pay \$41.00 per hour for the same work.

M. Larson stated she does not understand how this makes sense for the taxpayers. She noted the City Council labors over items which affect the budget even 1% while the prevailing wage affects the budget in the amount of \$700,000 or \$800,000 per year and the City is paying it because it has no choice. She urged the public to stay informed on this issue.

Mayor Pro-Tem Turner stated he will not be voting for this ordinance, noting he has not voted for it for the last two or three years. He urged the Council not to pass this law. He stated many people have come before the Council protesting their property taxes, noting this is one of the reasons they are so high. He stated it is ridiculous the wages imposed on the Council are so much higher than the recognized base wages. He stated he does not feel the need to validate this law.

In response to a question from M. Larson, City Attorney Ruth Schlossberg stated there is no case law concerning the consequences of not passing the ordinance. She noted the Department of Labor interprets the law that the City must pass the Prevailing Wage ordinance, but the Department of Justice has not taken a position on the consequences if it does not.

R. Stelford noted the Administration did provide a letter last year stating the City's intent to comply with the Prevailing Wage Act, and recommended that the same course of action be followed this year if Council chooses not to pass the ordinance. R. Schlossberg stated that it should be clear that the municipality is compliant with the Prevailing Wage rates.

Motion by M. Larson, second by RB Thompson, to approve Document No. 7, *An Ordinance Establishing the Prevailing Wage for the City of Woodstock, McHenry County, Illinois*, establishing prevailing wage requirements for the City of Woodstock.



A roll call vote was taken. Ayes: RB Thompson. Nays: D. Hart, M. Larson, M. Saladin, J. Starzynski, and Mayor Pro-Tem Turner. Abstentions: none. Absentees: Mayor Sager. Motion failed.

## **DISCUSSION ITEMS**

### **Quarterly Financial Reports**

Finance Director Paul Christensen presented and reviewed the Fourth Quarter Revenues and Expenditures Report and the Fourth Quart Investment Report for the Council. He particularly noted the General Fund, which supports the majority of services provided by the City. He stated this fund had a surplus as a result of decreased spending and increased income, noting this surplus was transferred to the CIP.

## **FUTURE AGENDA ITEMS**

Mayor Pro-Tem Turner requested that City Manager Stelford discuss with Mayor Sager the placement of an item on a future agenda discussing an incentive on projects which the City bids out if they come in early and under budget to encourage this behavior by providing the contractor with a portion of any savings.

## **ADJOURN**

Motion by M. Saladin, second by M. Larson, to adjourn this regular meeting of the Woodstock City Council to the next regularly-scheduled City Council Meeting on Tuesday, July, 19, 2016, at 7:00 PM in the Council Chambers at City Hall. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, and Mayor Pro-Tem Turner. Nays: none. Abstentions: none. Absentees: Mayor Sager. Meeting adjourned at 8:40 PM.

Respectfully submitted,

Cindy Smiley  
City Clerk